

*REMARKS/ARGUMENTS*

Applicants thank the Examiner for reconsideration and withdrawal of the prior rejections under 35 U.S.C. §§ 112, 102(b), and 103(a). Applicants discuss below the two new rejections set forth in the Office Action.

*35 U.S.C. § 102(b)*

Claims 280-283 and 285 are rejected under 35 U.S.C. § 102(b) as anticipated by Estaquier. The Office Action characterizes Estaquier as providing, inter alia, “a composition comprising a family of antigenic HIV-1 V3 peptides wherein each peptide in the family has at least one amino acid that differs relative to the other peptides in the family.” (Paper No. 07212008, p. 4, paragraph 1). The Office Action alleges that Estaquier teaches all of the claimed limitations. Applicants respectfully disagree. Claim 280 recites a skeletal sequence N-N-N-T-R-K-X<sup>1</sup>-I-X<sup>2</sup>-X<sup>3</sup>-X<sup>4</sup>-X<sup>5</sup>-G-X<sup>6</sup>-X<sup>7</sup>-X<sup>8</sup>-Y-X<sup>9</sup>-T-G-X<sup>10</sup>-I-I-G-X<sup>11</sup>-I-R-Q (SEQ ID NO:36) having specified variations in positions X<sub>1</sub>-X<sub>11</sub>. Estaquier describes the disclosed peptides as having the following sequence: N-N-T-X<sub>1</sub>-X<sub>2</sub>-X<sub>3</sub>-I-X<sub>4</sub>-X<sub>5</sub>-X<sub>6</sub>-X<sub>7</sub>-G-P-G-R-X<sub>8</sub>-X<sub>9</sub>-X<sub>10</sub>-X<sub>11</sub>-X<sub>12</sub>-X<sub>13</sub>-X<sub>14</sub>-X<sub>15</sub>-I-G-C, with specified variations in positions X<sub>1</sub>-X<sub>15</sub> (Estaquier, p. 167, col. 1, paragraph 1). The Estaquier sequences are not consistent with SEQ ID NO: 36. Specifically, the 25<sup>th</sup> amino acid in SEQ ID NO: 36, X<sub>11</sub>, is identified as either aspartate (D) or asparagine (N). Estaquier provides that the corresponding residue must be cysteine (C). Accordingly, Estaquier fails to recite the claimed sequence and therefore fails to provide each and every element of the rejected claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

*35 U.S.C. § 103(a)*

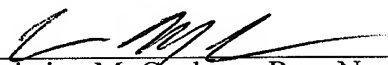
Claims 284, 286, and 287 are rejected under 35 U.S.C. § 103(a) as obvious over Estaquier. The Office Action states that the peptide library disclosed in Estaquier comprises  $7.5 \times 10^5$  related peptides, but admits that Estaquier does not disclose a library containing fewer than  $10^5$  related peptides or the separation of peptides based on their sequences. (Paper No. 07212008, p. 4, paragraph 2). The Office Action alleges that it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to “vary the peptide number depending on the target sequence of interest and diversity desired.”

Applicants respectfully submit that, as described above, Estaquier fails to provide each and every element of the rejected claims, namely the peptide sequence of SEQ ID NO: 36. The size of the peptide library recited by Estaquier, and the alleged motivation of one of ordinary skill in the art to prepare "sub-peptide libraries" (Paper No. 07212008, p. 5, paragraph 1) cannot not cure this defect. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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